TITLE 839 BEHAVIORAL HEALTH AND HUMAN SERVICES LICENSING BOARD

Proposed Rule

LSA Document #09-811

DIGEST

Amends <u>839 IAC 1-2-1</u>, <u>839 IAC 1-2-2</u>, <u>839 IAC 1-4-5</u>, <u>839 IAC 1-6-2</u>, and <u>839 IAC 1-6-3</u> and adds <u>839 IAC 1-1-3.9</u>, <u>839 IAC 1-4-3.1</u>, <u>839 IAC 1-4-3.2</u>, and <u>839 IAC 1-4-3.3</u> to implement rules based on P.L.134-2008 (HEA 1172) to establish educational, experience, licensing, and continuing education requirements for marriage and family therapist associates. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

839 IAC 1-1-3.9; 839 IAC 1-2-1; 839 IAC 1-2-2; 839 IAC 1-4-3.1; 839 IAC 1-4-3.2; 839 IAC 1-4-3.3; 839 IAC 1-4-5; 839 IAC 1-6-2; 839 IAC 1-6-3

SECTION 1. 839 IAC 1-1-3.9 IS ADDED TO READ AS FOLLOWS:

839 IAC 1-1-3.9 "LMFTA" defined

Authority: <u>IC 25-23.6-2-8</u> Affected: <u>IC 25-23.6</u>

Sec. 3.9. "LMFTA" means a licensed marriage and family therapist associate under IC 25-23.6.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-1-3.9)

SECTION 2, 839 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-2-1 Application by examination

Authority: <u>IC 25-23.6-2-8</u> Affected: <u>IC 25-23.6</u>

- Sec. 1. (a) An applicant for licensure as a social worker, clinical social worker, marriage and family therapist, or mental health counselor shall:
 - (1) make application in writing on forms provided by the board; and shall
 - (2) furnish satisfactory evidence to the board that the qualifying requirements have been met as provided for in the state licensing statutes, 839 IAC 1-3, 839 IAC 1-4, and 839 IAC 1-5.
- (b) Applicants for licensure as a social worker shall be required to pass the intermediate level of the national examination as provided by the Association of Social Work Boards.
- (c) Applicants for licensure as a clinical social worker shall be required to pass the clinical level of the national examination as provided by the Association of Social Work Boards.
- (d) Applicants for licensure as a marriage and family therapist or marriage and family therapist associate shall be required to pass the national examination as provided by the American Marriage and Family Therapist Regulatory Board. Association of Marital and Family Therapy Regulatory Boards.
- (e) Applicants for licensure as a mental health counselor shall be required to pass the National Clinical Mental Health Counselor Examination as provided by the National Board for Certified Counselors.
- (f) All applications for the licensed social worker and licensed clinical social worker examination must be complete in every respect, including accompanying data and the required fee.

Date: Mar 24,2022 10:25:22AM EDT DIN: 20110112-IR-839090811PRA Page 1

(g) All applications for the licensed mental health counselor and licensed marriage and family therapist examination must be complete in every respect, including accompanying data and the required fee, and filed with the board at least ninety (90) days prior to the examination for which application is being made.

(Behavioral Health and Human Services Licensing Board; <u>839 IAC 1-2-1</u>; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Sep 26, 2008, 10:50 a.m.: <u>20081015-IR-839080337RFA</u>)

SECTION 3. 839 IAC 1-2-2 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-2-2 License renewal

Authority: <u>IC 25-23.6-2-8</u> Affected: <u>IC 25-23.6-5</u>

Sec. 2. (a) A license to practice as a:

- (1) social work. worker:
- (2) clinical social work, worker;
- (3) marriage and family therapy, therapist;
- (4) marriage and family therapist associate; or
- (5) mental health eounseling counselor; will expire on April 1 of even-numbered years.
 - (b) Applicants for renewal of licensure shall pay a renewal fee.
- (c) Applications for renewal shall be mailed to the last known address of the practitioner. Failure to receive the application for renewal shall not relieve the practitioner of the responsibility for renewing the license by the renewal date.
- (d) It is the responsibility of the practitioner to notify the health professions bureau Indiana professional licensing agency of an address change.
- (e) A marriage and family therapist associate license can be renewed two (2) times. Additional renewals may be granted at the discretion of the board.
- (e) (f) If a license to practice social work, clinical social work, marriage and family therapy, or mental health counseling has been expired for longer than three (3) years, the practitioner may renew the license by meeting the following requirements:
 - (1) File a renewal application provided by the board.
 - (2) Pay current renewal fees.
 - (3) Pay a penalty fee for late renewal.
 - (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
 - (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.
 - (6) Make a personal appearance before the board, as the board in its discretion may require.
 - (7) Pass the national examination, as the board in its discretion may require.
- (g) If a marriage and family therapist associate license has been expired for longer than one (1) year, the practitioner may not renew the license and will have to reapply as a new applicant.

(Behavioral Health and Human Services Licensing Board; <u>839 IAC 1-2-2</u>; filed Jul 1, 1992, 12:00 p.m.: 15 IR 2456; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1504; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1308; readopted filed Sep 26, 2008, 10:50 a.m.: <u>20081015-IR-839080337RFA</u>)

SECTION 4. 839 IAC 1-4-3.1 IS ADDED TO READ AS FOLLOWS:

839 IAC 1-4-3.1 Educational requirements for marriage and family therapists and marriage and family therapist associates

Authority: <u>IC 25-23.6-2-8</u> Affected: <u>IC 25-23.6-8</u>

Sec. 3.1. (a) As used in <u>IC 25-23.6-8-1</u>, "master's degree in an area related to marriage and family therapy" means a degree earned in one (1) of the following areas of study:

- (1) Clinical social work.
- (2) Psychology.
- (3) Counseling.
- (4) Pastoral counseling.
- (5) Programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).
- (6) Another degree area as determined by the board.
- (b) An applicant for licensure as a marriage and family therapist with a graduate degree not listed in subsection (a), or an applicant asserting that his or her program is equivalent to a program in marriage and family therapy whose content areas are listed in IC 25-23.6-8-2.5, must provide the board with the following information:
 - (1) Evidence that their degree program and any additional course work are equivalent to the criteria for a graduate degree in marriage and family therapy as set forth in this section.
 - (2) An official college transcript.
 - (3) Appropriate certifications or affidavits from university officials.
 - (4) Any additional supporting documentation as requested by the board.
- (c) As used in <u>IC 25-23.6-8-2.1(a)(1)</u>, "regional accrediting body" means a college or university that was accredited prior to or within two (2) years of the time of the applicant's graduation by one (1) of the following:
 - (1) New England Association of Schools and Colleges.
 - (2) Middle States Association of Colleges and Schools.
 - (3) North Central Association of Colleges and Schools.
 - (4) Northwest Association of Schools and Colleges.
 - (5) Southern Association of Schools and Colleges.
 - (6) Western Association of Schools and Colleges.
- (d) An applicant for licensure as a marriage and family therapist under IC 25-23.6-8 must show successful completion of a degree curriculum that shall encompass a minimum of twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work. If the course titles as stated on the transcript do not clearly reflect the course work content areas as listed in IC 25-23.6-8-2.5, the applicant must document the course or combination of courses in which the material was covered. Only graduate level courses are acceptable for establishing equivalency. The board will not accept course work counted or credited toward an undergraduate degree.
- (e) The following criteria shall be used to identify a master's or doctoral program in marriage and family therapy or an area related to marriage and family therapy:
 - (1) The program, wherever it may be housed, shall:
 - (A) be clearly identified as a marriage and family therapy program in pertinent catalogs and brochures; and
 - (B) specify the program's intent to educate and train marriage and family therapists.
 - (2) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.
 - (3) The program shall have an identifiable marriage and family therapy professional responsible for the program.
 - (4) The program shall have an identifiable body of students who are matriculated in that program for a degree.
 - (5) The program shall include a supervised clinical practicum, internship, or field experience in marriage and family therapy.

- (f) As used in <u>IC 25-23.6-8-2.5(a)(3)</u>, "practicum" means a distinctly defined supervised curricular experience intended to enable the student to develop basic therapy skills and to integrate professional knowledge and skills appropriate to the student's program emphasis. The practicum shall be a minimum of five hundred (500) face-to-face client contact hours and include a minimum of one hundred (100) hours of supervision from an LMFT who has at least five (5) years of experience.
- (g) The supervision of the clinical practicum, internship, or field experience in marriage and family therapy experiences listed in this section are tutorial forms of instruction. Individual supervision is supervision rendered to not more than two (2) individuals at a time and group supervision is supervision rendered to at least two (2) and not more than ten (10) individuals at one (1) time.
- (h) As used in IC 25-23.6-8-2.5(a)(3)(B), "one hundred (100) hours of supervision" refers to the entire clinical experience requirement of five hundred (500) hours. This includes individual and group supervision. The applicant must document that at least one hundred (100) hours were spent with an LMFT supervisor who has at least five (5) years of experience or a qualified supervisor approved by the board. The graduate marriage and family therapy student may work away from the premises of the educational institution but must:
 - (1) be enrolled in a clinical practicum, internship, or field experience in marriage and family therapy; and
- (2) conduct therapy under the auspices of that graduate program.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-3.1)

SECTION 5. 839 IAC 1-4-3.2 IS ADDED TO READ AS FOLLOWS:

839 IAC 1-4-3.2 Experience requirements for marriage and family therapists

Authority: <u>IC 25-23.6-2-8</u> Affected: <u>IC 25-23.6-8-2.7</u>

- Sec. 3.2. (a) As used in <u>IC 25-23.6-8-2.7</u>, "one thousand (1,000) hours of postgraduate clinical experience" means experience under approved supervision, acquired over not less than twenty-four (24) months, any time subsequent to the date:
 - (1) the individual is licensed as a marriage and family therapist associate; or
 - (2) certified by the degree-granting institution showing completion of all requirements for the master's degree issued prior to July 1, 2008.

The doctoral student may use hours accrued during a doctoral practicum or internship toward the postgraduate clinical experience.

(b) As used in <u>IC 25-23.6-8-2.7(a)</u>, "individual supervision" means face-to-face supervision with an equivalent supervisor and not more than two (2) individuals.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-3.2)

SECTION 6. 839 IAC 1-4-3.3 IS ADDED TO READ AS FOLLOWS:

839 IAC 1-4-3.3 Examination requirements for marriage and family therapist and marriage and family therapist associate

Authority: <u>IC 25-23.6-2-8</u> Affected: <u>IC 25-23.6-8-3</u>

Sec. 3.3. (a) An applicant for licensure by examination as a marriage and family therapist or marriage and family therapist associate, approved by the board to sit for the examination, shall sit for that examination within one (1) year from the date of the initial board approval. If the examination applicant has not taken the examination within one (1) year from the date of the initial board approval, the initial

board approval will be invalid and the applicant must file a new application.

- (b) The board will notify the applicant in writing of examination results.
- (c) Applicants determined by the board to have failed the examination, who wish to retake the examination, shall submit a repeat examination application, fees, and other requirements as stated in 839 IAC 1-2-1.
- (d) Applicants who fail the examination three (3) times may be required to personally appear before the board prior to retaking the examination.

(Behavioral Health and Human Services Licensing Board; 839 IAC 1-4-3.3)

SECTION 7. 839 IAC 1-4-5 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-4-5 Supervision for marriage and family therapist licensure applicants

Authority: IC 25-23.6-2-8

Affected: IC 25-23.6-8-2.5; IC 25-23.6-8-2.7

Sec. 5. (a) As used in IC 25-23.6-8-2.5, "qualified supervisor" means any of the following:

- (1) An American Association for Marriage and Family Therapy approved supervisor.
- (2) An American Association for Marriage and Family Therapy supervisor candidate.
- (3) A supervisor who has demonstrated to the marriage and family therapy section of the board possession of a master's degree or higher in the mental health field, training and supervision in marriage and family therapy that focused on family systems, and completion of at least thirty (30) clock hours in marriage and family therapy supervision training.
- (b) As used in <u>IC 25-23.6-8-2.7</u>, "equivalent supervisor" means an individual who is licensed in a mental health field or, if the supervision was provided in a state where no regulation exists, by a mental health professional of equivalent status, and is any of the following:
 - (1) An American Association for Marriage and Family Therapy approved supervisor.
 - (2) An American Association for Marriage and Family Therapy supervisor candidate.
 - (3) A supervisor who:
 - (A) has possession of a master's degree or higher in a mental health field;
 - (B) has five (5) years of post-master's professional practice experience; and
 - (C) is supervising within their scope of experience and training.
 - (A) demonstrates to the board training, education, and experience in marriage and family therapy by providing to the board:
 - (i) a state marriage and family therapy credential;
 - (ii) American Association for Marriage and Family Therapy clinical membership; or
 - (iii) other documentation of training, education, and experience in individual, couple, and family therapy; and
 - (B) provides documentation of training, education, and experience in individual, couple, and family therapy supervision by providing to the board:
 - (i) a state marriage and family therapy credential to provide marriage and family therapy supervision;
 - (ii) completed course work or continuing education in marriage and family therapy supervision;
 - (iii) significant marriage and family therapy supervised supervision experience; or
 - (iv) more than five (5) years experience supervising marriage and family therapy.

(Behavioral Health and Human Services Licensing Board; <u>839 IAC 1-4-5</u>; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1507, eff Jul 1, 1999; filed Oct 1, 2003, 9:28 a.m.: 27 IR 518; readopted filed Dec 1, 2009, 9:12 a.m.: <u>20091223-IR-839090777RFA</u>)

SECTION 8. 839 IAC 1-6-2 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-2 Approval of continuing education programs

Authority: <u>IC 25-23.6-2-8</u> Affected: IC 25-23.6

Sec. 2. (a) The following criteria shall be used for the approval of providers of continuing education programs for licensed social workers, licensed clinical social workers, licensed marriage and family therapists, LSWs, LCSWs, LMFTs, LMFTAs, and licensed mental health counselors: LMHCs:

- (1) The continuing education program shall have a statement of objectives, which the program should achieve for its participants relating to and enhancing the licensee's practice.
- (2) The sponsor of a continuing education program shall provide the following:
 - (A) Adequate administration, including a responsible person to coordinate and administer the program.
 - (B) Maintenance of proper records.
- (3) Sponsors of a continuing education program shall provide adequate funding for the educational program undertaken.
- (4) The curriculum of a continuing education program shall be thoughtfully planned and designed to explore in considerable depth:
 - (A) one (1) subject; or
 - (B) a closely related group of subjects related to the licensee's practice.
- (5) The continuing education program shall:
 - (A) have qualified faculty members with demonstrated competence in the subject areas; and
 - (B) be held in adequate facilities that allow for an effective program.
- (6) Continuing education programs may employ a variety of educational methods and teaching aids that enhance the learning opportunities.
- (7) Appropriate methods of evaluation shall be devised and used to measure the continuing education program's effectiveness.
- (8) The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education hours involved.
- (b) Organizations applying for board approval to be a sponsor of continuing education programming must submit an application to the board for approval at least ninety (90) days before the presentation of any program. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, is effective until April 1 of every even-numbered year.
 - (c) An approval to provide continuing education units for: licensed:
 - (1) social workers; LSWs;
 - (2) clinical social workers; LCSWs;
 - (3) marriage and family therapists; LMFTs;
 - (4) LMFTAs; and
 - (4) mental health counselors;
 - (5) LMHCs;

will expire on April 1 of the even-numbered years.

- (d) The sponsor of the program is responsible for monitoring attendance in such a manner that verification of attendance throughout the entire program can be reliably assured.
- (e) The sponsor shall maintain attendance records for a minimum of four (4) years from the date of the program. These records must include the following:
 - (1) The date of the program.
 - (2) The program title.
 - (3) The presenter's name.
 - (4) The names of all participants.
 - (5) The number of continuing education hours granted each participant.
- (f) Continuing education programs that are sponsored, accredited, or approved by the following organizations shall be deemed approved, and no prior approval by the board shall be required:
 - (1) Academy for Cerebral Palsy and Developmental Medicine.
 - (2) Academy of Family Mediators.

- (3) Accreditation Council on Continuing Medical Education (programs or seminars related to mental health).
- (4) American Association for Continuity of Care.
- (5) American Association for Diabetes.
- (6) American Association for Social Work with Groups/Spinal Cord Injury.
- (7) American Association of Marriage and Family Therapy.
- (8) American Association of Sex Educators, Counselors, and Therapists.
- (9) American Cancer Society.
- (10) American Counseling Association.
- (11) American Health Care Institute (programs or seminars related to mental health).
- (12) American Hospital Association (programs or seminars related to mental health).
- (13) American Medical Association (programs or seminars related to mental health).
- (14) American Mental Health Counselors Association.
- (15) American Psychiatric Association.
- (16) American Psychological Association.
- (17) American Red Cross (programs or seminars related to mental health).
- (18) Arthritis Association.
- (19) Association of Oncology Social Work.
- (20) Association of Pediatric Oncology Social Work.
- (21) Association for Treatment of Sexual Abusers.
- (22) Association of Social Work Boards.
- (23) Chicago Center for Family Health.
- (24) Commission on Rehabilitation Counselor Certification.
- (25) Employee Assistance Professional Association.
- (26) Employee Assistance Society of North America.
- (27) Federation of Societies for Clinical Social Work.
- (28) Federation of Society of Sex Educators and Therapists.
- (29) First Steps.
- (30) Healthy Families.
- (31) Hoosier Oncology Group.
- (32) Hospice Foundation of America.
- (33) Indiana Association of Home and Hospice Care.
- (34) Indiana Commission on Continuing Legal Education (programs or seminars related to mental health).
- (35) Indiana Council of Nephrology Social Workers.
- (36) Indiana Council on Adolescent Pregnancy.
- (37) Indiana Counselors Association for Alcohol and Drug Abuse.
- (38) Indiana Healthcare Ethics Network.
- (39) Indiana Hospice Association.
- (40) Indiana Hospital and Health Association (programs or seminars related to mental health).
- (41) Indiana Organ Procurement Organization.
- (42) Indiana Perinatal Association.
- (43) International Critical Incident Stress Foundation.
- (44) Leukemia and Lymphoma Society.
- (45) Mediation Matters.
- (46) Mental Health Association.
- (47) Midwest Regional Network for Intervention with Sex Offenders.
- (48) National Association for Family-Based Services.
- (49) National Association of Alcoholism and Drug Abuse Counselors.
- (50) National Association of Liver Transplant Social Workers.
- (51) National Association of Perinatal Social Work.
- (52) National Association of Social Workers.
- (53) National Board for Certified Counselors.
- (54) National Board of Addiction Examiners.
- (55) National Brain Tumor Foundation.
- (56) National Committee to Prevent Child Abuse.
- (57) National Council of Community Mental Health Centers.
- (58) National Council of Sexual Addiction and Compulsivity.
- (59) National Hospice Association.
- (60) National Kidney Foundation.
- (61) National Organization for Victim Assistance.
- (62) National Resource Center for Family Centered Practice.
- (63) National Spina Bifida Association.

- (64) Society of Heart and Lung Transplant Social Workers.
- (65) Solutions Training Institute.
- (66) The Alfred Adler Institute of Chicago.
- (67) The American Professional Society on the Abuse of Children.
- (68) The Center for Family Studies, Chicago, Illinois.
- (69) The Cincinnati Psychoanalytic Institute.
- (70) The Family Institute of Chicago.
- (71) The Family Institute/Center for Family Studies.
- (72) The Gestalt Institute of Cleveland.
- (73) The Indianapolis Gestalt Institute.
- (74) The Institute for Clinical Social Work, Chicago, Illinois.
- (75) The Institute for Psychoanalysis, Chicago, Illinois.
- (76) The International Institute of Object Relations Therapy.
- (77) The Jungian Institute of Chicago.
- (78) The National Association of Family Mediators.
- (79) The National Center for Child Abuse and Neglect.
- (80) The National Children's Advocacy Center.
- (81) The Society of Social Work Leadership in Health Care.
- (82) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organization listed in subdivisions (1) through (81).
- (83) Any institute or program focused on self-psychology.
- (84) Any institute or program approved by the social worker, marriage and family therapist, and mental health counselor board of another state.
- (85) A university, college, or other teaching institution accredited by the United States Department of Education or the Council on Postsecondary Education.
- (86) A federal, state, or local government agency that coordinates and presents continuing education courses and programs in conjunction with this rule.

(Behavioral Health and Human Services Licensing Board; <u>839 IAC 1-6-2</u>; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1512; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1314; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3373)

SECTION 9. 839 IAC 1-6-3 IS AMENDED TO READ AS FOLLOWS:

839 IAC 1-6-3 Continuing education requirements

Authority: <u>IC 25-23.6-2-8</u> Affected: IC 25-23.6

- Sec. 3. (a) A renewal period is defined as the two (2) year period beginning with April 1 of even-numbered years. A licensure year is defined as April 1 through March 31 of the following year.
- (b) A licensee who renews a license as a social worker, clinical social worker, marriage and family therapist, marriage and family therapist associate, or mental health counselor shall complete not less than twenty (20) CEUs per year, in compliance with section 1(b) of this rule, for a total of forty (40) CEUs for the two (2) year renewal period.
- (c) A minimum of one (1) CEU of the required ten (10) Category I CEUs per year shall have a content area focusing on ethics and professional conduct, including boundary issues, from a Category I provider.
 - (d) If a licensee holds more than one (1):
 - (1) clinical social worker;
 - (2) marriage and family therapist; or
 - (3) mental health counselor;

license issued under <u>IC 25-23.6</u>, then CEUs obtained to meet the CEUs required for renewal of one (1) license may be applied towards the CEUs required for renewal of each license held.

- (e) CEUs shall:
- (1) be obtained within the biennial renewal period in which the licensee is applying; and

- (2) not be carried over from one (1) biennial renewal period to another.
- (f) A holder of a license issued under <u>IC 25-23.6</u> must retain a record of the continuing education required by section 2(a) of this rule for four (4) years following the end of the biennial renewal period in which it was obtained.
- (g) Continuing education used to satisfy the continuing education requirements of another state, in which the licensee also holds a license to practice as a mental health professional, may be applied towards the CEUs required for renewal of a license issued under <u>IC 25-23.6</u>.
- (h) A holder of a license issued under <u>IC 25-23.6</u> who has been licensed for less than two (2) full years before the first renewal date for that license shall meet the following continuing education requirements for the licensee's first renewal period:
 - (1) A licensee who has been licensed for at least twelve (12) months, but less than twenty-four (24) months, shall complete at least one-half (1/2) of the CEUs required for renewal of that license. At least fifty percent (50%) of these CEUs shall be obtained from Category I, and not more than fifty percent (50%) shall be obtained from Category II.
 - (2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the CEUs required for renewal of that initial license.

(Behavioral Health and Human Services Licensing Board; <u>839 IAC 1-6-3</u>; filed Dec 29, 1998, 10:57 a.m.: 22 IR 1514; readopted filed Dec 2, 2001, 12:30 p.m.: 25 IR 1316; filed Jun 1, 2006, 9:45 a.m.: 29 IR 3375)

Notice of Public Hearing

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Date: Mar 24,2022 10:25:22AM EDT DIN: 20110112-IR-839090811PRA Page 9